

## REMARKS

The Examiner has indicated that the drawings submitted with the previous response are acceptable. Therefore, Applicant submits herewith new drawings in accordance with those previously approved by the Examiner.

Claims 1, 5, 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,449,039 (Hartley). Applicants respectfully traverse the rejection.

Hartley is directed to an apparatus for perforating cased, horizontal wells (Col. 4, ll. 5-10). This requires the use of explosive charges. The isolation mechanisms described in Hartley are specifically for use in cased wellbores. By contrast, Applicants invention is specifically designed to operated in an uncased wellbore. Therefore, no perforations are required and the formation fluid may be produced in the annulus between the apparatus and the wellbore. The isolation mechanisms required for Applicants invention are wholly different from those described in Hartley. In fact, the landing nipples relied on in Hartley are absent in uncased wells. In addition, the prior art apparatus requires that the tool in each interval must have a inner diameter than the outer diameter of the plug used to plug the tool below. This severely limits the number of intervals that can be treated. It also introduces ID variations throughout the producing intervals which may be undersireable for fluid production or future well workover. The present invention allows a large number of intervals to be fractured or treated in a horizontal well of the same internal diameter. Applicants have amended claims 1, 10 and 11 to further clarify that the present invention is for use in an uncased well.

Another significant difference between Hartley and the present invention is that Hartley creates access to a new zone with perforating charges and a firing pin built into the tool, which is activated by a plug that drives a sliding sleeve. Applicants invention activates access to a new zone by hyraulically shearing disks built into the tool. Clearly, these methods are completely

different.

For these reasons, Applicant's respectfully request that the Examiner withdraw the rejection of claims 1, 5, 10 and 11.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hartley in view of U.S. Patent No. 4,809,729 (Muddiman). Applicants respectfully traverse the rejection.

The Examiner cites Muddiman to show a specific structure for a burst disk. However, in view of the comments above in relation to Hartley, Applicants assert that the addition of Muddiman to Hartley does not teach, disclose or suggest the present invention.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claim 2.

Claims 3-4 and 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hartley in view of Muddiman and in further view of U.S. Patent No. 5,890,536 (Nierode). Applicants respectfully traverse the rejection.

The Examiner cites Nierode to show the use of ball sealers in fracturing operations. However, in view of the comments above in relation to Hartley and Muddiman, Applicants assert that the combination of Hartley, Muddiman and Nierode does not teach, disclose or suggest the present invention.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 3-4 and 12-13.

Claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hartley in

Application No: 10/039,019  
Amendment to Office Action Dated 1-12-04

view of U.S. Patent No. 5,111,881 (Soliman). Applicants respectfully traverse the rejection.

The Examiner cites Soliman as teaching the use of cup packers, gel packers, sand plugs and proppant plugs to isolate the annulus. However, for the reasons described above in relation to Hartley, the addition of Soliman does not teach, suggest or disclose the present invention.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 7-9.

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested.

The Commissioner is hereby authorized to charge or credit any fees to Deposit Account 04-1579(56.0622)

Respectfully submitted,



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